

AF/1635



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

HARVEY *et al.*

Serial No. 09/121,239

Filed: July 23, 1998

For: METHODS FOR DETECTING AND  
MEASURING SPLICED NUCLEIC ACIDS

) Group Art Unit: 1635

) Examiner: Schmidt, M.

) Atty. Docket No. GP091-02.UT

RECEIVED  
JUL 20 2000  
TECH CENTER 1600/2900

**TRANSMITTAL LETTER**

Box A.F.  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive to the Final Office Action mailed April 12, 2000, for which response is due July 12, 2000,  
enclosed are the following documents pertaining to the above-referenced application:

- 1) After Final Amendment - 10 pgs.;
- 2) Fee Transmittal - 1 pg.; and
- 3) Return/Prepaid Postcard

No fee is believed due in connection with the filing of this Response. If, however, Applicant is mistaken,  
please debit Deposit Account No. 07-0835 the appropriate amount.

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being  
deposited on the date indicated below with the U.S. Postal Service as First Class Mail addressed to Box A.F.,  
Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,

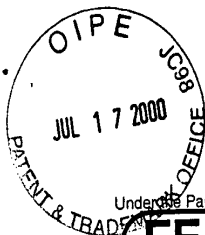
GEN-PROBE INCORPORATED

Dated: July 12, 2000

By:

*Christine A. Gritzmacher*  
Christine A. Gritzmacher  
Registration No. 40,627

Patent Department  
10210 Genetic Center Drive  
San Diego, California 92128  
PH: 858-410-8926 / FAX: 858-410-8928



PTO/SB/17 (12/99)  
Approved for use through 09/30/2000. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$)**0.00**

## Complete if Known

Application Number **09/121,239**  
Filing Date **July 23, 1998**  
First Named Inventor **Harvey et al.**  
Examiner Name **Schmidt, M.**  
Group / Art Unit **1635**  
Attorney Docket No. **GP091-02.UT**

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **07-0835**

Deposit Account Name **Gen-Probe Incorporated**

☐ Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Code (\$) | Small Entity Code (\$) | Fee Description        | Fee Paid |
|------------------------|------------------------|------------------------|----------|
| 101 690                | 201 345                | Utility filing fee     |          |
| 106 310                | 206 155                | Design filing fee      |          |
| 107 480                | 207 240                | Plant filing fee       |          |
| 108 690                | 208 345                | Reissue filing fee     |          |
| 114 150                | 214 75                 | Provisional filing fee |          |

SUBTOTAL (1) (\$)**n/a**

### 2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 20           | 20** = 0     | X              | 0.00     |
| 3            | 3** = 3      | X              | 0.00     |

\*\*or number previously paid, if greater; For Reissues, see below

| Large Entity Code (\$) | Small Entity Code (\$) | Fee Description  | Fee Paid |
|------------------------|------------------------|--|----------|
| 103 18                 | 203 9                  | Claims in excess of 20                                     |          |
| 102 78                 | 202 39                 | Independent claims in excess of 3                          |          |
| 104 260                | 204 130                | Multiple dependent claim, if not paid                      |          |
| 109 78                 | 209 39                 | ** Reissue independent claims over original patent         |          |
| 110 18                 | 210 9                  | ** Reissue claims in excess of 20 and over original patent |          |

SUBTOTAL (2) (\$)**0.00**

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Code (\$) | Small Entity Code (\$) | Fee Description  | Fee Paid |
|------------------------|------------------------|--|----------|
| 105 130                | 205 65                 | Surcharge - late filing fee or oath  |          |
| 127 50                 | 227 25                 | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139 130                | 139 130                | Non-English specification  |          |
| 147 2,520              | 147 2,520              | For filing a request for reexamination                                     |          |
| 112 920*               | 112 920*               | Requesting publication of SIR prior to Examiner action                     |          |
| 113 1,840*             | 113 1,840*             | Requesting publication of SIR after Examiner action                        |          |
| 115 110                | 215 55                 | Extension for reply within first month                                     |          |
| 116 380                | 216 190                | Extension for reply within second month                                    |          |
| 117 870                | 217 435                | Extension for reply within third month                                     |          |
| 118 1,360              | 218 680                | Extension for reply within fourth month                                    |          |
| 128 1,850              | 228 925                | Extension for reply within fifth month                                     |          |
| 119 300                | 219 150                | Notice of Appeal   |          |
| 120 300                | 220 150                | Filing a brief in support of an appeal                                     |          |
| 121 260                | 221 130                | Request for oral hearing   |          |
| 138 1,510              | 138 1,510              | Petition to institute a public use proceeding                              |          |
| 140 110                | 240 55                 | Petition to revive - unavoidable   |          |
| 141 1,210              | 241 605                | Petition to revive - unintentional   |          |
| 142 1,210              | 242 605                | Utility issue fee (or reissue)   |          |
| 143 430                | 243 215                | Design issue fee   |          |
| 144 580                | 244 290                | Plant issue fee  |          |
| 122 130                | 122 130                | Petitions to the Commissioner  |          |
| 123 50                 | 123 50                 | Petitions related to provisional applications                              |          |
| 126 240                | 126 240                | Submission of Information Disclosure Stmt                                  |          |
| 581 40                 | 581 40                 | Recording each patent assignment per property (times number of properties) |          |
| 146 690                | 246 345                | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149 690                | 249 345                | For each additional invention to be examined (37 CFR § 1.129(b))           |          |

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**0.00**

## SUBMITTED BY

| Name (Print/Type)               | Registration No. (Attorney/Agent) | Telephone            |
|---------------------------------|-----------------------------------|----------------------|
| <b>Christine A. Gritzmacher</b> | <b>40,627</b>                     | <b>(858)410-8926</b> |

Signature *Christine A. Gritzmacher* Date **July 12, 2000**

## WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|             |                       |   |                  |             |
|-------------|-----------------------|---|------------------|-------------|
| Applicants: | Harvey et al.         | ) | Examiner:        | Schmidt, M. |
|             |                       | ) |                  |             |
| Serial No.  | 09/121,239            | ) | Group Art. Unit: | 1635        |
|             |                       | ) |                  |             |
| Filed:      | July 23, 1998         | ) |                  |             |
|             |                       | ) |                  |             |
| For:        | METHODS FOR DETECTING | ) | Docket No.:      | GP091-02.UT |
|             | AND MEASURING SPLICED | ) |                  |             |
|             | NUCLEIC ACIDS         | ) |                  |             |

11/B  
D.G.J.  
7/20/00  
(NE)

**AMENDMENT AFTER FINAL**

**RECEIVED**  
JUL 20 2000  
TECH CENTER 1600 2900

Box AF  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed April 12, 2000, which is hereby timely responded to, kindly amend the above-identified application as follows.

**IN THE CLAIMS**

**Please amend Claims 1, 6, 9, and 19 as follows:**

1. (Amended Twice) A method for detecting a fusion nucleic acid comprising the steps of:
  - a) providing a sample containing a first single-stranded fusion nucleic acid comprising a splice junction;
  - b) contacting under nucleic acid amplification conditions:
    - the first single-stranded fusion nucleic acid,
    - a first primer which hybridizes to the fusion nucleic acid at a first primer binding site located 3' to the splice junction site, and

\*\*\*\*\*  
Certificate of Express Mail

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited on the date indicated below with the U.S. Postal Service as First class mail addressed to Commissioner for Patents, Washington, D.C. 20231.

Date: July 12, 2000

Christine A. Gritzmaecher